

MAYOR OF LONDON

The Rt Hon Michael Gove MP

Secretary of State for Levelling Up, Housing and
Communities
2 Marsham Street
London SW1P 4DF

Our ref: 2023 DLUHC PDR

Your ref:

Date: 2nd October 2023

Dear Michael,

Consultation on additional flexibilities to support housing delivery, businesses and high streets

Thank you for the opportunity to respond to the government's proposals set out in this consultation. This response is a joint response from the Greater London Authority (GLA), the London Legacy Development Corporation (LLDC) and the Old Oak and Park Royal Development Corporation (OPDC).

We share the government's ambition to increase the supply of homes and support businesses, high streets and industrial areas and to deliver good quality development in London. We support several of the government's proposals such as the use of design codes, increasing flexibilities for commercial and industrial businesses to expand and supporting the temporary use of markets to operate for more days of the year. However, we are concerned about other proposals and their impacts on viable business uses and the vitality of London's town centres, high streets and the Central Activities Zone. We also remain very concerned that the homes delivered via these permitted development rights fail to meet London's need for genuinely affordable housing. New homes delivered in London should be of the highest quality and support Good Growth, but the limited prior approval criteria mean that considerations related to housing quality, accessibility, fire safety and climate change are not properly taken into account.

Permitted Development Rights are deregulatory in nature. The Grenfell Tower fire and tragic loss of 72 lives showed the consequences of deregulation and 'cutting red tape' in matters of life safety. If government is to learn lessons from the fire, protecting lives and ensuring the fire safety of homes must be a priority through proper regulation and enforcement.

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Ensuring that new homes are safe is a priority for the Mayor and the London Plan requires that all development achieves the highest standards in fire safety. Any building that is to be converted to residential use should therefore demonstrate that it has been fully assessed for fire safety, meets current Building Regulations and that prior to occupation fire safety measures have been fully and competently installed.

We trust that our responses will be considered fully before any proposals are finalised.

Appendix A attached to this letter, sets out more detail on our views on the proposals. Please note that this letter and the accompanying annex comprises our full response to this consultation. We would welcome the opportunity to engage further with the government on these proposals and your officials can contact Lisa Fairmaner, Head of the London Plan (lisa.fairmaner@london.gov.uk) in the first instance.

Yours sincerely,

A handwritten signature in black ink that reads "Jules Pipe". The signature is written in a cursive style with a horizontal line underneath the name.

Jules Pipe

Deputy Mayor, Planning, Regeneration and Skills

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Appendix A. Mayor of London/GLA/LLDC and OPDC response to DLUHC Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification

Design codes

Q.1 Do you agree that prior approvals for design or external appearance in existing permitted development rights should be replaced by consideration of design codes where they are in place locally? [Yes/No/Don't know]. Please give your reasons.

Yes. It could provide more certainty to developers and the local community over what form of development is acceptable. It should also help streamline the assessment of design in the prior approval process for the Local Planning Authority (LPA). It could help ensure fire safety design measures are considered when first considering implementing permitted development rights. However, assessing a scheme against a design code requires time and professional expertise from the LPA and thus an appropriate fee should be payable for the applicant to fund the staff needed to undertake this work.

Q.2 Do you think that any of the proposed changes to permitted development rights in relation to design codes could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes, for local planning authorities and communities – please see answer for Q1.

Supporting housing delivery through change of use permitted development rights: Commercial Business and Service uses to dwellinghouses (Class MA of Part 3)

Q.3 Do you agree that the permitted development right for the change of use from the Commercial, Business and Service use class (Use Class E) to residential (Class MA of Part 3), should be amended to either: a) Double the floorspace that can change use to 3,000 square metres; b) Remove the limit on the amount of floorspace that can change use; c) No change; d) Don't know. Please give your reasons.

c) No change. We do not support an increase in the amount of floorspace that can change use through this permitted development right. Our preference is c) no change.

The loss of ground floor high street functions to residential can undermine the vitality and viability of town centres which can have a significant negative impact on the community. It can also have an impact on industrial sites and areas with a range of

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designations and functions including Strategic Industrial Locations, Locally Significant Industrial sites, non-designated industrial areas and business parks which contain Class E premises. As the permitted development rights erode the supply of commercial space it is unclear how local planning authorities can meet the requirements of the NPPF to make sufficient provision for the range of Commercial, business and service uses in Use Class E.

The absence of a clear mechanism for permitted development conversions to provide or contribute towards affordable housing, coupled with the suggested increase in the size limit, will result in a significant loss of affordable housing contributions that could otherwise have been secured through conventional planning approvals.

As set out in the 2021 London Plan, delivering more genuinely affordable housing is a key strategic issue for London. Meeting the need for circa 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment, will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources. This is critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.

Through the 2021 London Plan, all major developments of 10 or more units trigger a requirement for affordable housing. Increasing the threshold to 3,000 square metres could potentially result in schemes of up to 75 one-bed units or 47 two-bed units or 39 three-bed units (based upon London Plan minimum space standards). Through conventional planning in London via the fast-tracked route, such schemes could yield between 13 and 26 affordable units each. The suggested increase in the size threshold via permitted development would result in more lost opportunities to deliver this much needed affordable housing in London.

Furthermore, the suggested increase in the size limit means that complex medium and larger scale commercial buildings may be converted, some of which may be individually or cumulatively of a scale of potential strategic importance. The change to the threshold suggested in the consultation and the absence of any criteria to determine whether the commercial use is genuinely surplus to requirements are insufficient to capture the range and complexity of potential impacts of larger scale changes of use, including the cumulative impacts of widespread changes of use on town centres, high streets and industrial areas.

In some circumstances, sites in commercial use may already be identified for redevelopment in Local Plans or masterplans for residential or residential-led mixed use and have strategic value for their ability to deliver significant housing numbers and community benefits. Some of these site allocations may be on existing office or retail sites or may be supporting industrial intensification or co-location through London Plan Policy E7. Allowing change to occur through permitted development – whereby housing output is constrained by the existing buildings on site, rather than via the development management process which provides the platform to optimise densities through a design-led approach – will inevitably result in less overall housing

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than might otherwise be achieved. This will be particularly true of large sites where masterplanned redevelopment that accounts for context and quality design could unlock larger numbers of homes (and more successful places) that permitted development simply cannot. In the context of London's housing crisis, missing out on the opportunity to optimise the number of affordable homes that can be delivered is not acceptable. The limited prior approval criteria associated with this permitted development right can also lead to poor quality housing outcomes. All developments should meet important housing quality, amenity, housing mix, accessibility, fire safety and design standards. These are fundamental to deliver good growth in London.

The size threshold should at the very least be maintained at its current level to mitigate more significant unintended negative impacts of the rights.

Q.4 Do you agree that the permitted development right (Class MA of Part 3) should be amended to remove the requirement that the premises must be vacant for at least three continuous months immediately prior to the date of the application for prior approval? [Yes/No/Don't know]. Please give your reasons.

No. We do not support the removal of the vacancy test. Were it to be removed it could lead to landlords evicting current commercial occupiers resulting in the loss of business and employment, and harm the vitality and viability of town centres and high streets, industrial areas and business parks at a time when these need to be supported.

We believe the vacancy test should go further and include a test within the matters for consideration to ensure that the use in Class E is genuinely surplus to requirements rather than simply being vacant. Vacant space is not necessarily surplus because some level of vacant space provides a critical role in allowing markets to respond to demand, while preventing rent inflation. Vacancy rates for industrial land in London stood at 6 per cent in 2020¹ and only marginally above the reasonable average rate of frictional vacancy of 5 per cent set out in the GLA's Land for Industry and Transport Supplementary Planning Guidance (SPG)². Several boroughs in London, notably in the Central, South, West and North sub-regions have vacancy rates well below the 5 per cent frictional vacancy level.

In the 2021 London Plan, surplus commercial space is defined as sites and/or premises where there is no reasonable prospect of these being used for business purposes. Evidence to demonstrate surplus commercial space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months, or greater if required by a local Development Plan Document). This is important to ensure that there is a sufficient supply of employment floorspace to support sustainable economic growth and to meet the needs of businesses across a range of sectors. It is also

¹ AECOM, Avison Young and Maccreanor Lavington, [London Industrial Land Supply Study, 2020](#)

² Mayor of London. Land for Industry and Transport Supplementary Planning Guidance (SPG), 2012

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important to support SMEs which accounted for more than 530,000 businesses in London in 2022 (99.6 per cent of all businesses)³.

Q.5 Do you think that the permitted development right (Class MA of Part 3) should apply in other excluded article 2(3) land? [Yes/No/Don't know]. Please give your reasons.

No. As noted in the Government consultation, Article 2(3) land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

In London, the UNESCO World Heritage Sites include Maritime Greenwich, Royal Botanic Gardens Kew, Palace of Westminster and Westminster Abbey including St Margaret's Church, and the Tower of London. These are among the most important cultural heritage sites in the world and are a key feature of London's identity as a world city.

We agree with Government that the rights should not be extended to World Heritage Sites designated by UNESCO given their cultural, historical, scientific or other forms of significance.

London also contains sites protected under section 41(3) of the Wildlife and Countryside Act 1981 and given their particular sensitivity they should also remain excluded from the application of the rights.

Q.6 Do you think the prior approval that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation is working well in practice? [Yes/No/Don't know]. If no, please explain why you don't think the prior approval works in practice?

Yes. We support the retention of the prior approval criteria that allows for the local consideration of the impacts of the change of use of the ground floor in conservation areas on the character or sustainability of the conservation area. Conservation areas are designated for their architectural and historical value. Along with assets of archaeological significance they are just as sensitive to negative adverse impacts of development including changes of use as the other types of article 2(3) land.

London's heritage assets and historic environment are irreplaceable and an essential part of what makes London a vibrant and successful city, and their effective management is a fundamental component of achieving good growth.

It is essential that development proposals (including changes of use) affecting heritage assets and their settings, should conserve their significance, by being

³ Source: ONS. Local Units and Enterprises by Employment Size, Borough, 2022

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sympathetic to the assets' significance and appreciation within their surroundings. For some conservation areas, particularly historic town centres, the commercial character of the area is itself a contributor to its historic significance. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

Changes of use can have impacts on ground and upper floors of heritage assets through modifications required to accommodate the new residential use. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process.

We maintain our position that ensuring the on-going protection of the historic environment is best managed through conventional planning applications having regard to development plan policies (alongside listed building consents where appropriate), rather than through a blanket permitted development route with limited prior approval criteria.

Q.7 Do you agree that permitted development rights should support the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses? [Yes/No/Don't know]. Please give your reasons.

No. The Mayor wants to spread economic and regeneration benefits of tourism across the whole of the city, working with London & Partners. Given the importance of tourism to London's economy, London needs to ensure that it meets the accommodation demands of tourists who want to visit the capital.

Boroughs in outer and inner London beyond the Central Activities Zone (CAZ) are encouraged to plan proactively for new serviced accommodation in town centres to help spread the benefits of tourism to the whole of the capital.

There is a risk that extending permitted development rights to support the change of use of hotels, boarding houses or guest houses to dwellinghouses could undermine their role in the tourism industry, impacting negatively on economic activity and footfall in their localities including town centres and CAZ. It might also constrain the supply of visitor accommodation, pushing up prices and making London less attractive as a visitor destination. It might also increase demand for other types of accommodation such as short term lets, which could impact negatively on housing supply more generally.

Furthermore, London boroughs currently rely heavily on hotel accommodation for temporary accommodation placements and this use is growing. The long-term solution to temporary accommodation supply is new affordable homes. While hotel, hostel and B&B accommodation is not a long-term solution to temporary accommodation supply, it is the option of last resort, therefore allowing a decrease in its supply could be very detrimental to temporary accommodation procurement if significant numbers of C1 units are converted into homes and none of those 'new' homes are required to be affordable.

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Losing hotel accommodation would also lead to the potential displacement of homeless households, rough sleepers and asylum seekers currently housed in C1 accommodation.

As a general principle therefore, we would not support the introduction of this new right and changes of use should be taken through the conventional planning route taking into account local needs assessments for visitor accommodation. This will ensure that all potential impacts are considered and help mitigate any potential noise and disturbance that might otherwise arise from unregulated visitor accommodation.

Furthermore, the absence of a clear mechanism for permitted development conversions to provide or contribute towards affordable housing will result in a significant loss of affordable housing contributions that could otherwise have been secured through conventional planning approvals (see also response to Question 2).

Q.8 Are there any safeguards or specific matters that should be considered if the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses was supported through permitted development rights? [Yes/No/Don't know]. Please give your reasons. If yes, please specify.

Yes. If the Government does introduce a new permitted development right for the change of use of hotels, boarding houses or guest houses (Use Class C1) to dwellinghouses there would need to be safeguards in place including a size threshold (suggested no greater than 350 square metres, so that schemes above this threshold would deliver affordable housing through conventional planning). Criteria to assess the impact of the rights on the tourism industry, economic activity and footfall locally would also be important considerations.

Given that visitor accommodation in Class C1 is often located in town centres, high streets and other concentrations of tourism uses including daytime and night-time entertainment and cultural venues, there would also need to be safeguards related to the agent of change. This would ensure that the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses is placed on the proposed new noise-sensitive development.

If this right is to be introduced, we agree that the homes created under the right should be limited to use as a C3 dwellinghouse, and should not benefit from permitted development rights to change use to a small House in Multiple Occupation, or to the proposed use class for short term lets. As noted elsewhere in our response, provision of affordable housing should also be made on schemes of 10 units or more. The rights should also meet minimum space standards as per other commercial to residential permitted development rights and should ensure that other standards related to quality, accessibility, fire safety and amenity space are met.

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Q.9 Do you think that any of the proposed changes in relation to the Class MA permitted development right could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes. The proposed changes in relation to the Class MA permitted development right would impact on businesses, local planning authorities and communities.

a) businesses: Negative impacts including landlord evictions of viable businesses; reduced supply of workspace relative to demand leading to increases in the cost of workspace; lack of choice and lack of suitable accommodation (e.g. for expanding businesses); loss of productivity due to insufficient provision for business needs and lack of supply; erosion of cohesive town centre/high street core with knock-on impacts to neighbouring businesses; erosion of agglomeration benefits; reduction in economic activity density and impacts on investment and area management.

b) local planning authorities: Prior approval application must be subject to an appropriate fee. We are very concerned that boroughs' planning departments will be further under-resourced and it is essential that the fees attached to prior approvals and lawful development certificates are commensurate with the work involved. As the permitted development rights erode the supply of commercial space it is unclear how local planning authorities can meet the requirements of the NPPF to make sufficient provision for commercial land.

c) communities: Loss of employment opportunities and spaces for entrepreneurial activity. The loss of ground floor high street functions to residential can undermine the vitality and viability of town centres which can have a significant negative impact on the community. Whilst increases in housing units are welcome, all developments of 10 or more units should also deliver affordable housing. The suggested increase in the size threshold via permitted development would result in more lost opportunities to deliver much needed affordable housing in London. This would impact negatively on several groups who share a protected characteristic. High housing costs in London affect private and social renters more than owner occupiers. Low quality-housing is more common in the private rented sector. Social renting is more prevalent among Black and Bangladeshi Londoners than other ethnicities. Private renting is relatively more widespread among non-British/white Irish Londoners, and people from the other Asian and other ethnic groups. Younger, lower-income and disabled Londoners, as well as recent migrants to London, are more likely to be renting. Many groups face distinctive challenges around housing, including disabled Londoners, migrants, refugees and asylum seekers, Gypsies and Travellers and older BAME and LGBTQ+ Londoners (Equality, Diversity and Inclusion Evidence Base for London, GLA, 2019).

The increased loss of workspace and associated employment opportunities will impact negatively on employees, businesses and the community more widely including groups under-represented in London's workforce include older Londoners, mothers, young black men, Pakistani and Bangladeshi women, and disabled

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Londoners. In London, women are less likely to be self-employed than men, facing barriers to entrepreneurship (Equality, Diversity and Inclusion Evidence Base for London, GLA, 2019).

By giving rise to negative impacts on London's businesses, jobs, people's livelihoods and the availability of commercial space to support new business start-ups and entrepreneurial activity, the government's proposals to extend commercial to residential permitted development rights will impact negatively on the groups identified above to secure employment opportunities.

Q.10 Do you think that changes to Class MA will lead to the delivery of new homes that would not have been brought forward under a planning application? [Yes/No/Don't know]. If so, please give your reasons.

Yes. A significant number of development schemes including redevelopment, conversions and change of use delivering both market and affordable housing come through the conventional planning system. Whilst there may be some developments that come forward via permitted development that would not have been brought forward under a planning application, it is also noted that application of permitted development rights can also suppress overall housing numbers and provide less homes overall than might be sought from a comprehensive planning application which optimises development capacity. The proposed changes to Class MA would also increase significantly the number of schemes that do not contribute towards the delivery of affordable housing. This is not an acceptable approach.

Developments coming forward through a planning application would be required to meet additional quality standards not included within the limited prior approval criteria so there remains a risk that the homes delivered under permitted development would be of a lower standard than those delivered via a full planning permission.

Consideration of light and noise impacts, together with the requirement to meet national space standards are not sufficient to deliver the quality homes of the type, size and tenure required to meet the diverse range of Londoners needs. Through PDR there remains no mechanism to assess essential design considerations around outdoor private or communal amenity space, place-making, access and inclusion, privacy, fire safety, energy efficiency and adaptation/ mitigation of climate change, for example.

A more favourable approach would be to retain (or reduce) the size threshold and ensure that any schemes delivering 10 dwellings or more through permitted development contribute towards the delivery of affordable housing and ensure that all developments meet other important housing quality, accessibility and design standards. These are fundamental to deliver good growth in London.

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Betting offices and pay day loan shops etc. to dwellinghouses (Class M of Part 3) and arcades etc. to dwellinghouses (Class N of Part 3)

Q.11 Do you agree that the right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (Class M of Part 3) is amended to: a) Double the floorspace that can change use to 300 square metres; b) Remove the limit on the amount of floorspace that can change use; c) No change; d) Don't know. Please give your reasons.

No change. We would support no change to the rights for the change of use of hot food takeaways outlets, betting offices and pay day loan shops to residential. We agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes (please see answer to Q12).

Over-concentrations of uses such as betting shops, pawnbrokers, pay-day loan shops and hot food takeaways can give rise to a range of negative impacts on the health and wellbeing of local communities. There has been a rise in the concentration of such uses in London's town centres and high streets which can exacerbate their impact on communities.

The 2021 London Plan encourages boroughs to manage clusters of such uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including:

- a) town centre vitality, viability and diversity
- b) sustainability and accessibility
- c) place-making or local identity
- d) community safety or security
- e) mental and physical health and wellbeing.

The existing permitted development rights which allow changes from such uses to Class E (but not vice versa) is supported and helps to reduce over concentrations of such uses whilst ensuring that town centre and high street vitality can be maintained.

Changes of use at ground floor level to residential however can have a negative impact on the overall vitality and viability of town centres and high streets. Increasing the permitted development floorspace threshold however to 300 square metres or removing the limit could therefore have a significant negative impact on the long-term vitality and viability of town centres and high streets. Changes of use to residential from these uses should be considered through the conventional planning application route.

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Q.12 Do you agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes? [Yes/No/Don't know]. Please give your reasons.

Yes. We agree that the existing right (Class M of Part 3) is amended to no longer apply to launderettes. The overall number of launderettes in London has declined over the past decade and those that remain form an important part of the social fabric of communities. They provide an essential service to those in the community who do not have access to a washing machine. It is essential that local planning authorities can determine changes of use related to launderettes through conventional planning applications so that the impacts of the loss of such a facility on the local community can be properly considered.

Q. 13 Do you agree that the right for the change of use from amusement arcades and centres, and casinos (Class N of Part 3) is amended to: a) Double the floorspace that can change use to 300 square metres; b) Remove the limit on the amount of floorspace that can change use; c) No change; d) Don't know. Please give your reasons.

No change. We would support no change to the rights for the change of use of amusement arcades and centres, and casinos (Class N of Part 3).

As with betting shops and pay day loan shops, these uses can give rise to a range of negative impacts on the health and wellbeing of local communities.

The 2021 London Plan encourages boroughs to manage clusters of such uses having regard to their positive and negative impacts on the objectives, policies and priorities of the London Plan including:

- a) town centre vitality, viability and diversity
- b) sustainability and accessibility
- c) place-making or local identity
- d) community safety or security
- e) mental and physical health and wellbeing.

As noted in our answer to Q11, increasing the permitted development floorspace threshold to 300 square metres or removing the limit could have a significant negative impact on the long-term vitality and viability of town centres and high streets and changes of use from these uses to residential should be considered through the conventional planning application route.

Q.14 Do you agree that the right (Class M of Part 3) should be amended to replace the existing date on which the building must have been in use as a hot food takeaway, betting office, pay day loan shop or launderette instead to a two-year rolling requirement? [Yes/No/Don't know]. Please give your reasons.

Yes. This amendment is supported as it brings it into line with the same provision for Class E uses. The exception would be for launderettes for which we agree that the

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existing right in Class M of Part 3 should no longer apply (as noted in our responses to Q11 and Q12).

Q.15 Do you agree that the right (Class N of Part 3) should be amended to replace the existing date on which the building must have been in use as an amusement arcade or centre, or casino instead to two-year rolling requirement? [Yes/No/Don't know]. Please give your reasons.

Yes. This amendment is supported.

Q.16 Do you think that the permitted development right for the change of use from hot food takeaways, betting offices, pay day loan shops and launderette (Class M of Part 3) should apply in other article 2(3) land? [Yes/No/Don't know]. Please give your reasons.

No. As noted in the Government consultation, Article 2(3) land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

In London, the UNESCO World Heritage Sites include Maritime Greenwich, Royal Botanic Gardens Kew, Palace of Westminster and Westminster Abbey including St Margaret's Church, and the Tower of London. These are among the most important cultural heritage sites in the world and are a key feature of London's identity as a world city. We agree with government that the rights should not be extended to World Heritage Sites designated by UNESCO given their cultural, historical, scientific or other forms of significance.

London also contains sites protected under section 41(3) of the Wildlife and Countryside Act 1981 and given their particular sensitivity they should also remain excluded from the application of the rights.

Q.17 Do you think that the permitted development right for the change of use of amusement arcade or centre, or casino (Class N of Part 3) should apply in other excluded article 2(3) land? [Yes/No/Don't know]. Please give your reasons.

No. As noted in the Government consultation, Article 2(3) land serves a range of purposes to preserve and protect sensitive and exceptional landscapes, promote their enhancement, and to manage and protect the special architectural and historic interest of areas.

In London, the UNESCO World Heritage Sites include Maritime Greenwich, Royal Botanic Gardens Kew, Palace of Westminster and Westminster Abbey including St Margaret's Church, and the Tower of London. These are among the most important cultural heritage sites in the world and are a key feature of London's identity as a world city. We agree with Government that the rights should not be extended to

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World Heritage Sites designated by UNESCO given their cultural, historical, scientific or other forms of significance.

London also contains sites protected under section 41(3) of the Wildlife and Countryside Act 1981 and given their particular sensitivity they should also remain excluded from the application of the rights.

Q.18 Do you think that any of the proposed changes in relation to the Class M and N permitted development rights could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes. The proposed changes in relation to the Class M and N permitted development rights would impact on businesses, local planning authorities and communities.

a) businesses: The removal of the rights for launderettes would have a positive impact on these businesses as proposals for change of use would require planning permission.

b) local planning authorities: Prior approval applications must be subject to an appropriate fee. We are very concerned that boroughs' planning departments will be further under-resourced and it is essential that the fees attached to prior approvals and lawful development certificates are commensurate with the work involved.

c) communities: The suggested increase in the size threshold to 300 square metres via permitted development would result in development schemes below the 2021 London Plan threshold for affordable housing (although it should be noted that some boroughs may have lower thresholds and may also require affordable housing contributions from minor housing development in accordance with London Plan Policy H2 Small sites). Removing the threshold would result in schemes above the London Plan threshold for affordable housing, which are not delivered as part of the rights. The increase in loss of business space and associated employment opportunities would impact negatively on employees and businesses. There may be positive benefits of reducing the concentration of such uses on the health and wellbeing of the community more widely but the loss of ground floor high street functions to residential can undermine the vitality and viability of town centres which in the long-term could have a negative impact on the community.

Launderettes are an important part of the social fabric of communities and the proposed removal of the permitted development rights for this use would therefore have a positive impact on communities as changes of use resulting in the loss of a facility can be properly considered through a conventional planning application.

Q.19 Do you think that changes to Class M and N will lead to the delivery of new homes that would not have been brought forward under a planning application? [Yes/No/Don't know]. If so, please give your reasons.

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Yes. There may be some developments that come forward via this permitted development right that would not have been brought forward under a planning application. Where these permitted developments result in the loss of commercial space on the ground floor, this could impact the overall vitality and viability of the high street, its sense of place and value to the local community.

In contrast to the proposed changes to Class MA, the 300 square metre size threshold for Class M and N would not trigger the strategic London Plan requirement to deliver affordable housing in developments of 10 dwellings and above (although it should be noted that some boroughs may have lower thresholds and may also require affordable housing contributions from minor housing development in accordance with London Plan Policy H2 Small sites).

Developments coming forward through a planning application would be required to meet additional quality standards, including the highest standards in fire safety, not included within the limited prior approval criteria so there remains a risk that the homes delivered under permitted development would be of a lower standard than those delivered via a full planning permission.

Commercial, Business and Service, betting office or pay day loan shop to mixed use residential (Class G of Part 3)

Q.20 Do you agree that the right (Class G of Part 3) is expanded to allow for mixed use residential above other existing uses? [Yes/No/Don't know]. Please give your reasons. If yes, please say which uses the right might apply to and give your reasons.

Yes. The right (Class G of Part 3) could be expanded to allow for mixed use residential above other existing types of high street or town centre premises uses whilst retaining the condition that the ground floor must not be used in whole or in part as a flat. If government is also considering some other uses currently sui generis, for example hot food takeaways, then these would need amenity/agent of change safeguards if they were to be included. We do not think that uses within planning Use Class F should be included as these include community and learning uses which may occupy floors above ground floor level and would then be vulnerable to change of use or loss of floorspace via this permitted development right.

Q.21 Do you agree that the number of flats that may be delivered under the right (Class G of Part 3) is doubled from two to four? [Yes/No/Don't know]. Please give your reasons.

Yes. Doubling the right from two to four dwellings would increase the potential housing delivery from this right and it would be below the strategic London Plan threshold for affordable housing. The limited prior approval criteria however, means that there remains a risk that the homes delivered under permitted development would be of a lower standard than those delivered via a full planning permission.

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As noted in our response to Question 10, consideration of light and noise impacts, together with the requirement to meet national space standards are not sufficient to deliver the quality homes of the type, size and tenure required to meet the diverse range of Londoners needs. Through PDR there remains no mechanism to assess essential design considerations around outdoor private or communal amenity space, place-making, access and inclusion, privacy, fire safety or energy efficiency and adaptation/ mitigation of climate change, for example.

Q.22 Do you agree that the permitted development right (Class H of Part 3) is amended to align with any changes made to the uses to which Class G of Part 3 applies? [Yes/No/Don't know]. Please give your reasons.

Yes. If the rights in Class G of Part 3 were extended to include selected other sui generis town centre uses such as hot food takeaways, then Class H of Part 3 could be amended to align to this use. We agree that the uses contained in an amended Class H could not change use to a betting office or pay day loan shop. If hot food takeaways were to be included, then a condition would need to be added to Class H of Part 3 so that a Commercial Business and Service mixed use building cannot change use to a hot food takeaway, betting office or payday loan shop.

Q.23 Do you think that any of the proposed changes in relation to the Class G and H permitted development rights could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes.

a) business: The right in Class G of Part 3 retains the condition that the ground floor must not be used in whole or in part as a flat which is positive for businesses.

b) local planning authorities: Prior approval applications must be subject to an appropriate fee. We are very concerned that boroughs' planning departments will be further under-resourced and it is essential that the fees attached to prior approvals and lawful development certificates are commensurate with the work involved.

c) communities: The suggested doubling of the number of flats that may be delivered under the right would result in development schemes below the 2021 London Plan threshold for affordable housing (although it should be noted that some boroughs may have lower thresholds and may also require affordable housing contributions from minor housing development in accordance with London Plan Policy H2 Small sites).

Q.24 Do you think that changes to Class G will lead to the delivery of new homes that would not have been brought forward under a planning application? [Yes/No/Don't know]. If so, please give your reasons.

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Yes. There may be some developments that come forward via this permitted development right that would not have been brought forward under a planning application.

Developments coming forward through a planning application would be required to meet additional quality standards, including the highest standards of fire safety, not included within the limited prior approval criteria so there remains a risk that the homes delivered under permitted development would be of a lower standard than those delivered via a full planning permission.

Questions 25 – 56

Not responding

Supporting businesses and high streets through greater flexibilities: Commercial Business and Service use extensions (Class A of Part 7)

Q.57 Do you agree that the maximum floorspace limit for the extension or alteration to a Commercial, Business and Service establishment on non-protected land is increased to either 200 square metres or a 100% increase over the original building, whichever is lesser? [Yes/No/Don't know]. Please give your reasons.

Yes. This amendment is supported as a general principle and will provide further flexibility for uses within the Commercial, Business and Service use class (Class E). It will support town centres and high streets, and it will also support the London Plan policy approach (Policy E7) to promote industrial intensification (including light industrial uses in Use Class E) and increase the supply of industrial related capacity. We agree that the current floorspace thresholds for extensions or alterations on article 2(3) land or a site of special scientific interest should not be changed.

Industrial and warehousing extensions (Class H of Part 7)

Q.58 Do you agree that the maximum floorspace of a new industrial and/or warehousing building on non-protected land permitted under the Part 7 Class H permitted development right be amended to 400 square metres? [Yes/No/Don't know]. Please give your reasons.

Yes. This amendment is supported as a general principle and will provide further flexibility for industrial and warehousing uses. It will support the London Plan policy approach (Policy E7) to promote industrial intensification where appropriate and increase the supply of industrial related capacity. There might be individual and cumulative impacts of such a permitted development right on highways and transport, flood risk, contamination, agent of change, design and appearance which ought to be considered. These should be addressed through the addition of prior

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approval criteria. We agree that the current floorspace thresholds for article 2(3) land or a site of special scientific interest should not be changed.

Q.59 Do you agree that the maximum floorspace of a new industrial and/or warehousing extension on non-protected land be increased to either 1,500 square metres or a 75% increase over the original building, whichever is lesser. [Yes/No/Don't know]. Please give your reasons.

Yes. This amendment is supported as a general principle and will provide further flexibility for industrial and warehousing uses. It will support the London Plan policy approach (Policy E7) to promote industrial intensification where appropriate and increase the supply of industrial related capacity. As noted in our response to Question 58, there might be individual and cumulative impacts of such a permitted development right on highways and transport, flood risk, contamination, agent of change, design and appearance which ought to be considered. These should be addressed through the addition of prior approval criteria. We agree that the current floorspace thresholds for article 2(3) land or a site of special scientific interest should not be changed.

Q.60 Do you think that any of the proposed changes in relation to the Part 7 permitted development rights could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes.

a) businesses – The proposed changes would have a positive impact on industrial and warehousing businesses, providing them with further flexibilities and support the intensification of industrial capacity where appropriate.

b) local authorities – prior approval applications would need to be accompanied by a commensurate fee.

c) communities – there could be cumulative impacts arising from these permitted development rights on highways and transport, flood risk, contamination, agent of change, design and appearance which ought to be considered through an appropriate prior approval process.

Markets - temporary use of land (Class B of Part 4)

Q.61 Do you agree that the permitted development right for the temporary use of land should be amended so that markets can operate either: a) 28 days per calendar year (in line with other uses permitted under the right); b) A different number of days per calendar year; c) No change; d) Don't know. Please give your reasons. If

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you have chosen a different number of days per calendar year, please specify what number of days the right should provide for?

a) 28 days per calendar year (in line with other uses permitted under the right)

The 2021 London Plan supports London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets, complementing other measures to improve their management, enhance their offer and contribute to local identity and the vitality of town centres and the Central Activities Zone as well as entrepreneurial and business opportunities for a range of SMEs. We therefore support the proposal to amend the permitted development right for the temporary use of land so that markets can operate 28 days per calendar year. It will have a positive impact on businesses operating from the market itself and the increased footfall and vitality will boost businesses operating in the wider area. We note that this permitted development right does not remove the need to gain a license to hold a market.

Q.62 Do you think that any of the proposed changes in relation to the Part 4 permitted development rights could impact on: a) businesses b) local planning authorities c) communities? [Yes/No/Don't know]. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes.

a) businesses: Markets contribute to local identity and the vitality of town centres and the Central Activities Zone as well as entrepreneurial and business opportunities for a range of SMEs. The proposal to amend the permitted development right for the temporary use of land so that markets can operate 28 days per calendar year will have a positive impact on businesses operating from the market itself and the increased footfall and vitality will boost businesses operating in the wider area.

b) local planning authorities: The extension of the rights could have positive benefits for local planning authorities with fewer temporary planning applications for markets to consider. There may be wider implications for local authorities in relation to street management and cleaning.

c) communities: The proposal to amend the permitted development right for the temporary use of land so that markets can operate 28 days per calendar year will have a positive impact on communities who will benefit from their offer and the vitality that they bring to the local area.

Questions 63 – 65

Not responding

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Public Sector Equality Duty

Q.66 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes. By not making appropriate provision towards affordable housing, several of the government's proposals for increasing flexibilities through permitted development would impact negatively on several groups who share a protected characteristic. High housing costs in London affect private and social renters more than owner occupiers. Low quality-housing is more common in the private rented sector. Social renting is more prevalent among Black and Bangladeshi Londoners than other ethnicities. Private renting is relatively more widespread among non-British/white Irish Londoners, and people from the other Asian and other ethnic groups. Younger, lower-income and disabled Londoners, as well as recent migrants to London, are more likely to be renting. Many groups face distinctive challenges around housing, including disabled Londoners, migrants, refugees and asylum seekers, Gypsies and Travellers and older BAME and LGBTQ+ Londoners (Equality, Diversity and Inclusion Evidence Base for London, GLA, 2019).

The commercial to residential permitted development rights could impact groups under-represented in London's workforce including older Londoners, mothers, young black men, Pakistani and Bangladeshi women, and disabled Londoners. In London, women are less likely to be self-employed than men, facing barriers to entrepreneurship (Equality, Diversity and Inclusion Evidence Base for London, GLA, 2019).

By giving rise to negative impacts on London's businesses, jobs, people's livelihoods and the availability of commercial space to support new business start-ups and entrepreneurial activity, the government's proposals to extend commercial to residential permitted development rights will impact negatively on the groups identified above to secure employment opportunities. The loss of commercial space in town centres, high streets and industrial areas could impact on their role in providing for the needs of London's diverse population including for community and cultural exchange and a diverse food offer.

Allowing hotel accommodation to change use into dwelling houses will adversely impact the current use of this accommodation to house refugees and vulnerable people in desperate need of temporary accommodation. This would impact negatively on many groups who share a protected characteristic.

Poor quality housing adversely impacts the health of occupants, as well as their education and job prospects. Those with protected characteristics are likely to be affected more by this. The long-term saving to the public purse of better quality housing is well established. (The cost of poor housing to the NHS – BRE Group).

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Questions 67 – 88

Not responding.